

Course Objectives & Highlights

Course Objectives

- a) To persuade participants to join the plain English movement in legal writing
- b) To laugh legalese and verbosity out of court and out of hearing
- c) To teach techniques for trimming fat off legal writing and discarding legalese
- d) To instil grammar, style, syntax, and usage improvements that enhance persuasive power in legal writing
- e) To teach clarity in legal prose

Course Highlights

- Prologue: Lawyer's language is pretentious
 1. Legal writing is a mess
 2. 'I Give You That Orange'
 3. *Mylward v Welden*
 4. Enter *The Write House*.
 - Ideological Foundations of The Write House
 5. Write to be read
 - The 5 Cs
 6. Why do lawyers write? For whom? And how should they write?
 - Law is a literary profession
 - Three Purposes of Legal Writing
 - Are You Talking to Me?*
 - Three Qualities of Good Legal Writing
 - Clarity
 - Conciseness
 - Ability to Engage

Elegance—Path to Excellence

7. HIV-AIDS: Legalese and verbosity ruin legal writing.
 - Avoid clichés.
 - Resist legalisms.
 - 'Thy great learning maketh thee mad'*
 - Caught in the art (no, that's no spelling error)
 - Exercise caution with *due to*.
 - Off with *of*.
 - Eliminate unnecessary prepositional phrases
 - What *manner* of lawyer are you?
 - Don't abuse prepositions
 - Minimize multiple negatives.
8. Prefer the active voice
 - Convert most passive constructions to active
 - Use passive for forensic-strategy reasons to hide actor
 - Use passive for literary-strategy reasons
 - Use passive voice when actor is unimportant or unknown
 - Use passive to put the punch word at the end of the sentence
 - Use passive to avoid sexist language
 - Use passive to focus on the thing being acted upon
 - Use passive to generalize without using *one* as the subject
 - Use passive when it sounds a whole lot better
9. Don't hide the subject
10. Use strong verbs.
 - Beware of nominalizations and adjectivizations
 - Supplant sedentary verbs with agile verbs
 - Transitive, intransitive, and linking verbs
 - Phrasal verbs
11. Fear not: boldly start sentences with *and*, *because*, *but*, *nor*, and *or*
12. Uphold the Oxford comma: the Pope and Mother Teresa

The ampersand and business-name exceptions to the Oxford comma rule

13. Eschew intensifiers: a tiger does not declare his tigritude
14. Shorten your sentences and paragraphs
15. Use parallel structure
Drafting and parallelism
16. Bullets, capitals, enumeration, italics, numbers, tabulation, and underlining
Bullets
Capitals
Italics
Numbers- it figures
Enumeration and Tabulation
Underlining
17. Avoid double-past constructions
18. Use possessives to introduce gerunds and solve fused-participle difficulties.
19. Replace redundant expressions with alternatives supplied
20. Let's go *which* hunting!
Restore wrongly suppressed *that's*.
21. Situate your modifiers to eliminate confusion.
22. Just between you and me, use doublet and serial pronouns correctly.
Me, Myself, and I
Who versus *whom*
Whoever versus *whomever*
22. Elegant Variation and Pig-headed Consistency

23. Jettison ‘fatuous lawyerisms’ like *aforesaid* and similar antiquated expressions
24. Let’s talk about sex . . .
25. Expletives and metadiscourse cause verbosity
26. Minimize authorial self-reference, but . . .
27. Transition techniques in legal writing
28. Abbreviations, Acronyms, Apostrophes, and Contractions
29. Brackets, Hyphens, and Parentheses
30. Quotations, Footnotes, and Attribution
Footnotes and Endnotes
31. The Writing Process
Think before you write
Research and take notes
Organize around your thesis
Write right now
Review and edit
Proofread

Epilogue Drama: Lawyers’ language is pompous